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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 183rd meeting
Held at the Palais Wilson, Geneva, on Thursday, 2 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Turkmenistan (continued) (CRPD/C/TKM/1; CRPD/C/TKM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

Articles 1–10

2. **Mr. Akmammedov** (Turkmenistan) said, in response to a request made at the previous meeting for further statistical data, that some 18,800 girls with disabilities and 1,873 guardians caring for children with disabilities were registered in Turkmenistan. As for the question about a plan of action on accessibility, he said that, while there was no specific plan as such, accessibility was covered under the national socioeconomic development programme. Major repairs of sporting facilities, cultural centres and educational institutions were provided for under the programme, which would bring building accessibility into line with international standards. The new housing under construction for the Olympic Council of Asia Games in Ashgabat in 2017 would also be in keeping with those standards.

3. **Mr. Hudaynazarov** (Turkmenistan) said that parents and other persons caring for children with disabilities enjoyed a number of benefits under the national labour law, including additional paid leave, transfer to less arduous work without incurring a pay cut and opportunities for shorter working days or weeks. It was prohibited by law to reject persons for employment or to lower employees' wages on the grounds that they were caring for a child with disabilities.

Articles 11–20

4. **Ms. Atajanova** (Turkmenistan) said that her Government attached great importance to ensuring that persons with disabilities had access to information and communication technologies (ICT) and services and was currently holding workshops on the issue and studying international best practices. However, Turkmenistan was still going through a transitional period and it was not yet in a position to guarantee ICT accessibility.

5. **Mr. Atahanov** (Turkmenistan) said that, in 2011, a review of national legislation had been carried out with a view to harmonizing it with the Convention, the first step towards its full implementation, which he saw as a gradual process. The same year had seen the publication of a version of the Convention in child-friendly language and a teaching aid on the rights of persons with disabilities. Turning to article 11, situations of risk and humanitarian emergencies, he said that in 2012 the President of Turkmenistan had put forward a proposal at the General Assembly to establish a regional centre on climate change in Central Asia in the country's capital, Ashgabat. The President had recently expressed his views on climate change and reiterated his call for a regional centre at the Third World Conference on Disaster Risk Reduction, thus illustrating the determination of Turkmenistan to cooperate with others in every way possible in order to tackle the problem. Work was currently under way on a strategy for disaster risk reduction, which would take into account the international agreements to which Turkmenistan was a party, including the Convention. In addition, the Government was a strong proponent of the post-2015 development framework.

6. **Mr. Atayev** (Turkmenistan) said that, before turning to article 14, on liberty and security of the person, he wished to answer a question raised earlier about bioelectric-

controlled prostheses. The Government did indeed purchase such prostheses for those who requested them. The prostheses were of very high quality and came with special after-sales service and extended warranties.

7. Mental health care was provided for persons with mental disabilities, including older persons with mental disabilities, on both an outpatient and an inpatient basis. Minors with psychosocial disabilities were provided with State-funded special education and vocational training. Employment assistance was also available and employers were required to meet certain recruitment quotas for persons with mental disabilities. Persons who were found by the courts to be unfit to stand for trial were not subject to criminal liability under the law. If they were considered to pose a threat to themselves or to society, they could be sent to a secure mental institution at the judge's discretion.

8. Under the Public Health Act, patients must give their written consent before any new methods of diagnosis or treatment were used or medical research involving them was carried out. A person had the right to refuse treatment at any stage. The consent of the parents or guardians of children under 16 with a life-threatening illness was required for such treatment to be given. The use of medicines, including those from abroad, required the approval of the Ministry of Health and it was prohibited to advertise unapproved methods of treatment or drugs in the media.

9. **Mr. Hudaynazarov** (Turkmenistan) said that, when coercive measures of a medical nature were taken against mentally incompetent persons who committed crimes, the aim was to prevent them from reoffending, to minimize the danger that they posed to society, rather than isolating them from it, and to treat them for their illness.

10. **Mr. Atahanov** (Turkmenistan) said that the Government had laid the groundwork for inclusive education in the country and every effort was made to ensure that students with disabilities could study in mainstream schools. Such students were also represented in nearly all the institutions of higher education and higher vocational education in the country and pursued academic specializations of every kind, including ICT. There were currently 73 persons with disabilities receiving a higher education in Turkmenistan.

11. **Ms. Atajanova** (Turkmenistan) said that the programme on gender equality, which she had mentioned at the previous meeting, dealt with the issue of domestic violence. As stated in the State party report and the replies to the list of issues, the offence was currently covered by the Criminal Code. However, the Government was actively working on a study on domestic violence to determine whether a separate law on it was warranted. It would also be looking into whether there was a need to bring the definition of such violence under national law more closely into line with that provided for under the Convention and the Platform for Action of the Fourth World Conference on Women. The study was at the pilot stage and thorough preparation was required, including the training of interviewers who would be working in the regions on what was a sensitive issue. The Government would consider whether to adopt a new law or simply amend the current legislation, depending on the results of the study.

12. **Mr. Hudaynazarov** (Turkmenistan) said that persons with disabilities enjoyed the same legal capacity as other persons, in accordance with article 12 of the Convention. The provisions of international agreements entered into by Turkmenistan were directly applicable in courts of law. Where there was a conflict between those provisions and national law, the international agreements prevailed. Persons with disabilities faced no restrictions on exercising their right to inherit property or managing their assets and finances. They had equal access to bank loans, mortgages and other financial services. Lastly, all parties to legal proceedings, including persons under investigation, suspects and victims, were provided with the assistance of an interpreter if they did not have a command

of the language in which the trial was being conducted. Persons with hearing impairments thus had the right to sign-language interpreters, if such were needed.

13. **Mr. Atayev** (Turkmenistan) said that medical sterilization as a method of contraception could be carried out with the patient's written consent on women who were 35 years of age or older or who had had at least three children. It could be carried out for approved medical reasons with the patient's consent at any age and irrespective of the number of children she had had. The Ministry of Health established the list of medical indications for sterilization, which were performed by licensed public health establishments. Unlawful sterilizations were prosecuted under article 33 of the Public Health Act.

14. **Ms. Atajanova** (Turkmenistan), referring to the issue of deinstitutionalization, said that Turkmenistan was participating in a regional initiative launched by the United Nations Children's Fund (UNICEF) to end the placement of children under 3 in children's homes. On the basis of studies conducted in four homes for young children, recommendations had been made to expand the provision of community-based social services, particularly for families raising children with disabilities. The Ministry of Health was considering the possibility of redirecting the functions of homes for young children towards the provision of advice and support to families with young children, including those with disabilities. Social services would be improved with the training of social workers and other professionals and early intervention centres for the detection of disabilities had been set up. It was hoped that such action would help to prevent the institutionalization of children in Turkmenistan.

15. **Mr. Hudaynazarov** (Turkmenistan) said that the President had requested the parliament to study the experiences of other countries in establishing a national ombudsman's office. A parliamentary working group, composed of representatives of State bodies, non-governmental organizations (NGOs) and academics in the field of human rights, among others, had therefore drafted a bill on the establishment of an ombudsman's office. Its adoption was expected in the near future. Provisions to do away with stigma and discrimination against persons with disabilities would also be considered. The prohibition of torture under the Criminal Code applied equally to persons with disabilities and the penalty for torture was imprisonment for a term ranging from 3 to 8 years.

16. **Mr. Atahanov** (Turkmenistan) said that a joint project of the Red Crescent Society of Turkmenistan and the American Red Cross on preparedness training courses for the population and the provision of emergency first aid assistance in the event of a disaster, such as an earthquake, had become operational in 2015. In June 2015, a large-scale exercise on emergency preparedness for natural and other disasters would be held under the auspices of the International Organization for Migration (IOM).

17. **Mr. Akmammedov** (Turkmenistan) said that the Ministry of Labour and Social Protection had responsibility for implementing administrative measures to protect the rights of persons with disabilities. The Ministry had established local agencies that, in conjunction with the Ministry of Health, provided social services to persons with disabilities, including transportation, adequate housing, communications and the payment of benefits. A draft programme for employment and job creation for the period 2015–2020 that took into account the international requirements for barrier-free access to the workplace had been prepared by the relevant ministries and government agencies.

18. **Mr. Hudaynazarov** (Turkmenistan) said that national legislation provided for the construction of barrier-free public buildings, including cultural establishments and sports facilities. Builders who failed to comply with the requirements were liable under article 274 of the Administrative Code to an administrative fine of up to eight times the minimum monthly wage.

19. **Mr. Akmammedov** (Turkmenistan) said that the delegation would provide the Committee with written replies to any remaining questions under the second cluster of articles.

Articles 21–33

20. **Ms. Kingston** asked what percentage of children with disabilities were educated in segregated boarding schools. She enquired whether the Government had considered early intervention and community-based rehabilitation for children with disabilities. On the subject of employment, she would welcome additional information on the categories of persons with disabilities who were allowed to work. In that connection, she was concerned at the lack of basic data needed to establish a baseline for the situation of persons with disabilities.

21. She asked whether the State party had identified any starting points for engagement with multilateral and bilateral agencies and international NGOs in order to benefit from their expertise and wondered how the Government envisaged making Turkmenistan more accessible and receptive to international NGOs that visited the country in order to provide it with assistance.

22. She wished to know what measures were being taken to facilitate the active and meaningful participation of persons with disabilities in efforts to monitor the implementation of the Convention. Did the State party intend to appoint a focal point, in conformity with article 33, paragraph 2, of the Convention?

23. **Mr. Tatić** requested specific examples of cases in which administrative sanctions had been imposed for the failure to ensure barrier-free access to persons with disabilities in public buildings. With regard to access to information, he asked whether any programmes were broadcast with sign-language interpretation on public television stations. He wished to know whether wheelchair users had access to university buildings, whether deaf students were provided with sign language for following lectures and whether blind students had access to textbooks in Braille or in an accessible electronic format.

24. States should lead by example when it came to the employment of persons with disabilities, since the presence in a public administration or private enterprise of an employee with a disability was a powerful means of changing attitudes and raising awareness. He asked whether any persons with disabilities had been employed in any government ministry or served as a member of parliament. He also wished to know whether polling stations were accessible to wheelchair users and whether organizations of persons with disabilities participated in the working group that was preparing the bill on the establishment of a national ombudsman. He suggested that the establishment of a council of experts on the rights of persons with disabilities would be useful in providing advice to the ombudsman in the performance of his or her duties.

25. **Mr. Lovászy** (Country Rapporteur) said that he would like to have detailed information on the provision of State support for the use of Braille, sign language and other forms of communication by persons with disabilities and their families. He would also like to know what training courses were available for sign-language interpreters, parents with deaf children and Braille users. On the subject of education, he wished to know how the State party ensured that the opinions of parents of children with disabilities were heard when it came to the medical evaluation and the education of their children.

26. He asked what was meant when a person with a disability was designated "unemployable". He enquired whether such a designation could legally prevent persons with a certain degree of disability — established solely on the basis of a medical assessment — from accepting a job, even if they might be able to work effectively with special or innovative tools at home or elsewhere. He also asked when the census data and findings

would be published and in what form. Lastly, he would welcome additional information on the Social Protection Code, especially with regard to the applicable definition of persons with disabilities.

27. **Ms. Quan-Chang** pointed out that, in his 2013 report (A/HRC/22/53), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had reiterated his view that prolonged seclusion or restraint of persons with disabilities in psychiatric institutions could constitute torture and ill-treatment and that the imposition of solitary confinement, of any duration, on persons with mental disabilities was cruel, inhuman or degrading treatment.

28. She would welcome further detailed information on persons with disabilities who lived in poverty because they did not have a job and asked what State support they received.

29. On the subject of national implementation and monitoring, she wished to know whether there were plans to set up a focal point to coordinate more systematically the activities of the various institutions dealing with persons with disabilities and how such a focal point would provide for participation by persons with disabilities themselves.

30. **Mr. Ruskus** said that there did not appear to be any official system for the provision of social services for either children or adults with disabilities. The provision of a disability allowance appeared to constitute the only form of State support. He asked whether the Government had data on how many persons with disabilities were in need of social services and what plans it had to develop social services based on a human rights approach, with a view to ensuring an adequate standard of living for persons with disabilities within the community. He also noted that academic programmes for social workers were not routinely offered in Turkmen higher education establishments and asked whether any data were available on how many such professionals there were, what their specializations were, what training they had received and what additional training courses were planned.

31. **Mr. You** Liang, referring to participation in cultural life, recreation, leisure and sport, said he recalled having seen a Chinese performing arts troupe that toured the world, composed of singers and dancers who were persons with disabilities. Their participation as artists demonstrated that persons with disabilities were not only recipients of welfare but also contributors to society. He asked what kind of cultural activities were organized in the State party for persons with disabilities and what opportunities they had to develop their artistic potential. In that connection, he pointed out that participation in the Paralympic Games was a way for persons with disabilities to gain confidence in themselves. He wished to know whether Turkmenistan prepared athletes with disabilities to participate in the Games and, if so, how many athletes were involved.

32. **Mr. Kim** Hyung Shik said that Turkmen laws on the employment of persons with disabilities appeared sometimes to be overprotective. He asked how such laws could boost the confidence of workers with disabilities and whether they contributed to job creation. He also asked why, in paragraph 167 of the State party's replies to the list of issues, disability was not included as one of the grounds on which it was prohibited to limit the right of citizens to vote, to be elected or to take part in referendums. How did the State party plan to resolve the issue?

33. He would welcome specific examples of the kind of international cooperation the State party received and how it welcomed international NGOs that wished to work in Turkmenistan. He urged the Government to open up to NGOs so that they could work more closely with persons with disabilities in Turkmenistan.

34. **Mr. Bacharu** asked to what extent the Government encouraged the media to portray persons with disabilities in a dignified manner and whether the Electoral Code made provision for the participation of persons with disabilities in elections. He wished to know

whether women were excluded by law from engaging in certain types of employment and, if so, which.

35. **Mr. Buntan** said that, in the interests of providing accessible information, the State party should work with an international standards organization, such as the World Wide Web Consortium, which had issued internationally recognized web accessibility guidelines, was open to all countries and supported a variety of languages. Did the State party intend to recognize the status of Braille and/or sign language in legislation in order to ensure the availability of augmentative and alternative forms of communication to persons with disabilities?

36. He asked what had been done to promote the inclusion of persons with disabilities in the legal profession and to remove barriers to their participation in political and public life. Turkmenistan had been one of the first countries to ratify both the Convention and the Optional Protocol and he wished to encourage it to support the inclusion of disability in the post-2015 development agenda, since disability had not been included among the Millennium Development Goals.

37. **Ms. Peláez Narváez** asked whether the State party had taken measures to ensure that all persons with disabilities could marry and found a family if they so wished and could freely decide on the number and spacing of their children. She also wished to know what reasonable accommodation had been made for deaf or visually impaired children in mainstream schools and what steps had been taken to guarantee that children with disabilities could freely choose their profession. As to the age of majority, she enquired whether steps had been taken to raise the age from 16 to 18. Lastly, she asked whether measures had been taken to increase the number of women with disabilities holding decision-making positions in political and public life.

38. **Ms. Pavey** asked whether there were any plans to introduce a quota system to increase the number of persons with disabilities employed in the public and private sectors.

39. **The Chairperson**, speaking in her personal capacity, asked which body or organization was responsible for assessing whether children with disabilities could attend mainstream schools. She also wished to know whether the State party intended to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

The meeting was suspended at noon and resumed at 12.20 p.m.

40. **Mr. Atayev** (Turkmenistan) said that several specialist schools and rehabilitation centres had been established to support the psychosocial development of children with disabilities. Medical and education committees composed of paediatricians, child psychiatrists and child psychologists were responsible for assessing the individual educational needs of children with disabilities and providing recommendations on their suitability for mainstream education. Parents, however, had the final say on which type of educational establishment their child attended.

41. **Mr. Atabanov** (Turkmenistan) said that the Government fully supported the post-2015 development agenda and remained committed to strengthening international cooperation on disability issues, in close partnership with such organizations as UNICEF, the United Nations Development Programme and the World Health Organization (WHO). Considerable efforts had been made to develop the social and economic potential of every citizen, including persons with disabilities: new technologies had been introduced and schools and universities made fully accessible. In recognition of the right of persons with disabilities to an adequate standard of living and social protection, the Government provided free water, salt and gas and subsidized public transport for all. Poverty

consequently no longer existed for anyone in Turkmenistan, including persons with disabilities.

42. **Mr. Hudaynazarov** (Turkmenistan) said that persons with disabilities could participate on an equal basis with other citizens in all areas of political and public life and had the right to vote and stand for election. The only exception to that rule was persons who had been declared legally incapable by the courts. There were currently no persons with disabilities serving as members of parliament.

43. **Mr. Atayev** (Turkmenistan) said that persons with disabilities had the right to marry and found a family on an equal basis with other citizens. With the support of the United Nations Population Fund, the Government had launched a number of sexual and reproductive health initiatives to ensure that all citizens, including persons with disabilities, had access to modern contraception and adequate family planning services. As to the collection of relevant information, including statistical and research data, to enable the Government to implement the Convention effectively, seminars had been held in partnership with WHO and UNICEF to improve national data-collection methods, so that disaggregated data could be used to identify and address the barriers and issues faced by persons with disabilities in the exercise of their rights.

44. **Mr. Atahanov** (Turkmenistan) said that sport formed an important part of Turkmen culture and everyone, including persons with disabilities, had the right to participate in sporting activities, pursuant to article 3 of the Physical Education and Sports Act. The national programme to support and promote physical fitness and sport also specifically sought to increase the level of physical activity among persons with disabilities and their participation in sport at a national level. Many Turkmen sportsmen and sportswomen with disabilities took part in the Paralympics and other international sporting tournaments and regularly appeared among the medal winners.

45. **Mr. Akmammedov** (Turkmenistan) said that several persons with disabilities, some of whom were women, held decision-making positions within the public service.

46. **Ms. Atajanova** (Turkmenistan) said that the Government was considering ratifying the Marrakesh Treaty and raising the age of majority from 16 to 18.

47. **Mr. Lovászy** welcomed the steps taken by the State party to give effect to the provisions of the Convention and urged it to continue its close cooperation with international organizations and other bodies on disability issues.

48. **The Chairperson** thanked the delegation for its replies. She hoped that the State party would be able to use the Committee's concluding observations as guidelines to further progress.

The meeting rose at 1.05 p.m.